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February 2, 1995

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

[REDACTED]

Re: CC Docket 92-115

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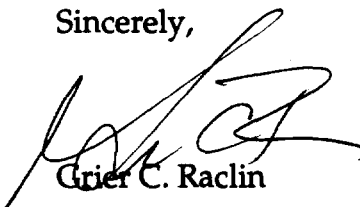
cc 94-46/

Dear Sir or Madam:

Enclosed for filing on behalf of the Mobile and Personal Communications Division of the Telecommunications Industry Association are an original and nine copies of a Motion for Extension of Time in the above referenced docket.

All questions regarding these pleadings can be referred to the undersigned.

Sincerely,


Grier C. Raclin

Enclosures

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)

Revision of Part 22 of the Commission's)
Rules Governing the Public Mobile Services)

CC Docket No. 92-115

Amendment of Part 22 of the Commission's)
Rules to Delete Section 22.119 and Permit)
the Concurrent Use of Transmitters in)
Common Carrier and Non-common Carrier)
Service)

CC Docket No. 94-46
RM 8367

Amendment of Part 22 of the Commission's)
Rules Pertaining to Power Limits for Paging)
Stations Operating in the 931 MHz Band in)
the Public Land Mobile Service)

CC Docket No. 93-116

TO: THE COMMISSION

MOTION FOR EXTENSION OF TIME

**THE MOBILE AND PERSONAL
COMMUNICATIONS DIVISION
OF THE TELECOMMUNICATIONS
INDUSTRY ASSOCIATION**

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**Eric J. Schimmel; Vice President
Jesse Russell; Chairman, Mobile and
Personal Communications
Division
Telecommunications Industry
Association
2500 Wilson Blvd.
Suite 300
Arlington, Virginia 22201**

Dated: February 2, 1995

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
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Revision of Part 22 of the Commission's)	CC Docket No. 92-115
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Stations Operating in the 931 MHz Band in)	
the Public Land Mobile Service)	

MOTION FOR EXTENSION OF TIME

The Mobile and Personal Communications Division of the Telecommunications Industry Association ("TIA"), by its counsel and pursuant to Section 1.46(b) of the Commission's Rules, 47 C.F.R. § 1.46(b) (1994), hereby requests the Commission to extend for thirty (30) days the time within which TIA may file a responsive pleading to the opposition filed against TIA's Petition for Reconsideration, which was filed on December 19, 1994. In support of this Motion, TIA states as follows:

1. On August 2, 1994, the Commission adopted a *Report and Order* in this proceeding, implementing new Section 22.919 of the Commission's Rules to address the

problem of cellular fraud.^{1/} New Section 22.919 of the Rules establishes cellular equipment design specifications which require, among other things, that cellular equipment's Electronic Serial Numbers ("ESNs") must be set at the equipment's manufacturing site, and must not be alterable, transferable, removable or otherwise able to be manipulated by any party "in the field."^{2/} The Commission declined to make an exception to Rule 22.919 requested by some TIA members, which would have allowed manufacturers' authorized agents to transfer ESNs in normal repair activities,^{3/} and also declined to require that new mobile cellular equipment comply with industry authentication standards.^{4/}

2. On December 19, 1994, TIA petitioned the Commission to reconsider its decision insofar as it prohibited manufacturers' authorized service centers or representatives from transferring ESNs in connection with the normal repair and upgrade of cellular mobile equipment.^{5/} In addition, TIA requested the Commission to require cellular mobile equipment receiving type-acceptance approval after September, 1995 to conform with industry authentication standards.^{6/} TIA's Petition was

^{1/} *In the Matter of Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services, Report and Order*, CC Docket No. 92-115, 9 FCC Rcd. 6513 (1994) (the "Report and Order").

^{2/} *Report and Order*, 9 FCC Rcd at 6525, ¶¶54-63.

^{3/} *Id.* at ¶ 61.

^{4/} *Id.* at ¶ 59.

^{5/} TIA's Petition did not oppose the prohibition of ESN alteration by persons other than manufacturer's authorized agents.

^{6/} TIA also requested the Commission to clarify that manufacturers' authorized agents may transfer ESNs in connection with the repair and upgrade of equipment for which initial type-acceptance was sought before January 1, 1995. *TIA Petition* at ¶ 9. The Cellular Telecommunications

supported by Matsushita Communications Industrial Corporation on January 20, 1995, and a Petition making some of the same comments was filed on December 19, 1994 by the Ericsson Corporation.

3. On January 20, 1995, CTIA filed an Opposition to TIA's Petition, opposing TIA's request that repair centers be allowed to undertake ESN transfers, but supporting industry efforts to require that next generation cellular telephones include authentication features.^{7/} Indeed, to TIA's knowledge, no party opposed TIA's request that future cellular equipment be required to incorporate authentication features conforming to TIA's standards.

4. After the filing of the above-referenced pleadings, representatives of the CTIA and TIA, including GTE Laboratories (CTIA's engineering consultant on anti-fraud matters), met numerous times in person and/or over the telephone in an attempt to resolve the differences that appeared to exist in their respective filings. The Parties agreed during these meetings that cellular fraud should be fought by every reasonable means, and it appears from these meetings that the only significant issue between the parties related to a manufacturer's ability to upgrade and otherwise manipulate a mobile unit's operating software without compromising the industry's efforts to combat cellular fraud. TIA has previously explained that the ESN-based solution adopted in Section 22.919 could adversely affect certain repair activities undertaken by

Industry Association ("CTIA") did not address this request in its Opposition, which is described below.

^{7/} CTIA *Opposition Comments* at 4 and 7.

manufacturers. Further discussion between the parties revealed that these concerns apparently could be addressed, without undermining the parties' or the Commission's ability to fight cellular fraud, through the adoption of minor changes to Rule Section 22.919.

5. Pursuant to CTIA's and TIA's discussion, they jointly are filing concurrently herewith a "Joint Reply and Comments" to CTIA's Opposition to TIA's Petition for Reconsideration. The Joint Reply and Comments requests the Commission to adopt certain minor changes to Rule Section 22.919, which TIA and CTIA believe strike the proper balance between their (and the Commission's) desire to undertake all reasonable steps to fight cellular fraud, and yet meet the industry's concurrent need to undertake reasonable repair activities in circumstances that will protect ESN-transferring software from misuse. Adoption of the minor rule changes suggested by TIA and CTIA in the Joint Reply and Comments will resolve the issue between the parties with respect to TIA's Petition.

6. In addition, TIA and CTIA have agreed to hold further meetings within the next few weeks in order to address additional steps that might be undertaken jointly by them to fight cellular fraud, and which may require further minor modifications to the Commission's Rules. Given the highly technical nature of the discussions between TIA and CTIA on these issues, it was simply impossible for the parties to complete their discussions prior to the time that the response to the opposition to TIA's Petition was required to be filed. Nevertheless, the parties are committed to completing their


discussions on this matter as soon as possible, and reasonably believe that the discussion can be completed and the matters finally presented to the Commission within the next thirty (30) days.

7. For the foregoing reasons, TIA respectfully requests a thirty (30) day extension of the time period within which it may reply to the opposition to TIA's Petition for Reconsideration filed in this proceeding. TIA has discussed this extension request with CTIA, and CTIA has stated that it has no objection to the grant of this Motion.

Respectfully submitted,

**THE MOBILE AND PERSONAL
COMMUNICATIONS DIVISION
OF THE TELECOMMUNICATIONS
INDUSTRY ASSOCIATION**

By:


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Its Attorneys**

**Eric J. Schimmel; Vice President
Jesse Russell; Chairman, Mobile and
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The Telecommunications Industry
Association
2500 Wilson Blvd.
Suite 300
Arlington, Virginia 22201**

Dated: February 2, 1995

CERTIFICATE OF SERVICE

I, Christine Peyton, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 2nd day of February, 1995, caused to be sent by first-class, U.S. mail, postage prepaid, a copy of the foregoing **MOTION FOR EXTENSION OF TIME** to the following:

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